

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x	
	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE AS TO
	:	<u>SPECIFIC PROPERTY</u>
JAMES THOMAS,	:	
a/k/a "Spazz,"	:	S4 21 Cr. 249 (SHS)
	:	
Defendant.	:	
-----	x	

WHEREAS, on or about May 11, 2021, JAMES THOMAS a/k/a "Spazz," (the "Defendant"), among others, was charged in a three-count Superseding Indictment, S4 21 Cr. 249 (SHS) (the "Indictment"), with conspiracy to commit firearms offenses, in violation of Title 18, United States Code, Section 371 (Count One); gun trafficking, in violation of Title 18, United States Code, Sections 922(a)(1)(A), 924(a)(1) and 2 (Count Two); and interstate travel with intent to commit gun trafficking, in violation of Title 18, United States Code, Sections 924(n) and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offenses charged in Counts One through Three of the Indictment, including but not limited to the Specific Property annexed hereto as Exhibit A (collectively, the "Specific Property");

WHEREAS, on or about May 20, 2022, the Defendant pled guilty to Count Three of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Three of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, and Section 924(d)(1) and

Title 28, United States Code, Section 2461(c), all right, title and interest of the Defendant in the Specific Property;

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitutes property involved in the offense charged in Count Three of the Indictment; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Ashley C. Nicolas, of counsel, and the Defendant, and her counsel, Robert A Soloway, Esq., that:

1. As a result of the offense charged in Count Three of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, JAMES THOMAS, a/k/a "Spazz," and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

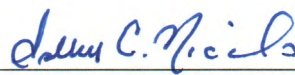
5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

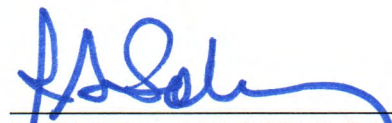
By: 
ASHLEY C. NICOLAS
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2467

5/20/22
DATE

JAMES THOMAS

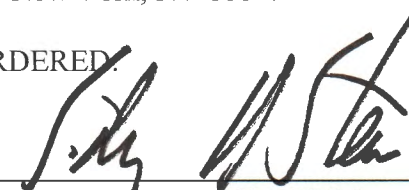
By: 
JAMES THOMAS

5/20/22
DATE

By: 
ROBERT A. SOLOWAY, ESQ.
Attorney for Defendant
100 Lafayette Street, Suite 501
New York, NY 10013

5/21/22
DATE

SO ORDERED.


HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE

May 20, 2022
DATE

EXHIBIT A

- a. A Charter Arms, UC Lite, .38 caliber revolver, Serial Number 19F00553, purchased by DUVAUGHN WILSON (“WILSON”) on or about August 11, 2020, from the Smyrna FFL;
- b. A Cobra, C22M, .22 caliber pistol, Serial Number 124198, purchased by WILSON on or about August 11, 2020, from the Smyrna FFL and seized by the NYPD on or about November 24, 2020;
- c. A Cobra, BBG, .380 pistol, Serial Number CT232503, purchased by WILSON on or about August 11, 2020, from the Smyrna FFL;
- d. A Cobra, BBG, .380 pistol, Serial Number CT232505, purchased by WILSON on or about August 11, 2020, from the Smyrna FFL;
- e. A Cobra, BBG9, nine-millimeter pistol, Serial Number BT014228, purchased by WILSON on or about August 17, 2020, from the Smyrna FFL;
- f. A Ruger, LCP, .380 pistol, Serial Number 372367060, purchased by WILSON on or about August 17, 2020, from the Smyrna FFL;
- g. A Ruger, LCP, .380 pistol, Serial Number 372367860, purchased by WILSON on or about August 17, 2020, from the Smyrna FFL;
- h. A Ruger, LCP II, .22 caliber firearm, Serial Number 380712905, purchased by WILSON on or about August 17, 2020, from the Smyrna FFL, and seized by the NYPD on or about December 3, 2020;
- i. An Armscor Model 200, .38 caliber firearm, Serial Number RIA2214915, purchased by WILSON on or about August 18, 2020, from an FFL in Jonesboro, Georgia (the “Jonesboro FFL”), and seized by the NYPD on or about November 20, 2020;

j. A Cobra, BBG380, .380 pistol, Serial Number BT014895, purchased by WILSON on or about August 18, 2020, from the Smyrna FFL;

k. A Heritage MFG, Rough Rider, .22 caliber revolver, Serial Number TL0D0427, purchased by WILSON on or about August 18, 2020, from the Jonesboro FFL;

l. A Cobra, BBG9SB, nine-millimeter pistol, Serial Number BT014229, purchased by WILSON on or about August 28, 2020, from the Smyrna FFL;

m. A Cobra, CL22MBP, .22 caliber pistol, Serial Number 122654, purchased by WILSON on or about August 28, 2020, from the Smyrna FFL, and seized by the NYPD on or about May 17, 2021;

n. A Cobra, BBGS380SB, .380 pistol, Serial Number BT014893, purchased by WILSON on or about August 28, 2020, from the Smyrna FFL;

o. A SDS, 1911A1, .45 caliber pistol, Serial Number T0620-20215136, purchased by WILSON on or about August 28, 2020, from the Smyrna FFL;

p. A Zastava, M70, .32 caliber pistol, Serial Number C-204095, purchased by WILSON on or about August 29, 2020, from an FFL in Gainesville, Georgia (“Gainesville FFL-1”);

q. A Zastava, M70, .32 caliber pistol, Serial Number C-267198, purchased by WILSON on or about August 29, 2020, from Gainesville FFL-1;

r. A SAR Arms, CM9, nine-millimeter pistol, Serial Number T1102-20BD50841, purchased by WILSON on or about September 5, 2020, from the Smyrna FFL;

s. A Davis IND, D32, .32 caliber pistol, Serial Number 132381, purchased by WILSON on or about September 5, 2020, from the Smyrna FFL;

t. A Bond Arms, Roughneck, .357 pistol, Serial Number 226014, purchased by WILSON on or about September 5, 2020, from the Smyrna FFL;

u. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number C010600, purchased by WILSON on or about September 5, 2020, from the Smyrna FFL;

v. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number C010540, purchased by WILSON on or about September 5, 2020, from the Smyrna FFL;

w. A Ruger, LCP, .380 pistol, Serial Number 372374853, purchased by WILSON on or about September 6, 2020, from an FFL in Lawrenceville, Georgia (the "Lawrenceville FFL");

x. A Taurus, PT-22, .22 caliber pistol, Serial Number 34784Z, purchased by WILSON on or about September 6, 2020, from the Lawrenceville FFL, and seized by the NYPD on or about February 21, 2021;

y. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C010836, purchased by WILSON on or about September 6, 2020, from the Lilburn FFL;

z. A Ruger, Ruger-57, 5.7 pistol, Serial Number 641-64925, purchased by WILSON on or about September 7, 2020, from the Lilburn FFL;

aa. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number C011484, purchased by WILSON on or about September 7, 2020, from the Lilburn FFL;

bb. A Taurus, PT22, .22 caliber pistol, Serial Number 88335Z, purchased by WILSON on or about September 20, 2020, from the Lawrenceville FFL;

cc. A Ruger, EC9S, nine-millimeter pistol, Serial Number 457-88944, purchased by WILSON on or about September 20, 2020, from the Lawrenceville FFL;

dd. A Taurus, G3C, nine-millimeter pistol, Serial Number ABJ898293, purchased by WILSON on or about September 22, 2020, from a second FFL in Gainesville, GA (“Gainesville FFL-2”);

ee. A Taurus, G2C, nine-millimeter pistol, Serial Number ABJ939042, purchased by WILSON on or about September 22, 2020, from Gainesville FFL-2;

ff. A Taurus, G3C, nine-millimeter pistol, Serial Number ABJ900506, purchased by WILSON on or about September 22, 2020, from Gainesville FFL-2;

gg. A Smith & Wesson, SD40, .40 caliber pistol, Serial Number FCN1259, purchased by WILSON on or about September 22, 2020, from Gainesville FFL-2, and seized by the New York/New Jersey Regional Fugitive Task Force on or about July 6, 2021;

hh. A Taurus, G2S, nine-millimeter pistol, Serial Number TLS32776, purchased by WILSON on or about October 5, 2020, from an FFL in Flowery Branch, Georgia (“the Flowery Branch FFL”);

ii. A Taurus PT740 SLIM, .40 caliber pistol, Serial Number SES47358, purchased by WILSON on or about October 5, 2020, from the Flowery Branch FFL;

jj. A Bersa Thunder .380 caliber pistol, Serial Number 647692, purchased by WILSON on or about October 5, 2020, from the Flowery Branch FFL;

kk. A Rohm, RG10, .22 caliber revolver, Serial Number 550588, purchased by WILSON on or about October 10, 2020, from the Smyrna FFL;

ll. A D’Armes, Court 9, .765 pistol, Serial Number 71582, purchased by WILSON on or about October 10, 2020, from the Smyrna FFL;

mm. A Norinco 213, nine-millimeter pistol, Serial Number 400736, purchased by WILSON or about October 10, 2020, from the Smyrna FFL, and seized by the Spartanburg County Sherriff's Office in Duncan, South Carolina, on or about October 14, 2020;

nn. A Century Arms, CZ50, .32 caliber pistol, Serial Number B17674, purchased by WILSON on or about October 11, 2020, from the Lilburn FFL;

oo. A Keltec P17, .22 caliber firearm, Serial Number G3C22, purchased by WILSON on or about October 11, 2020, from the Lilburn FFL, and seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

pp. A Zastava, M70-1, .765 pistol, Serial Number M70191443, purchased by WILSON on or about October 11, 2020, from the Lilburn FFL;

qq. A Gretna Gunworks, P-10, .380 pistol, Serial Number 15975, purchased by WILSON on or about October 11, 2020, from the Lilburn FFL;

rr. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number C023602, purchased by WILSON on or about October 12, 2020 from the Lilburn FFL, and seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

ss. A Keltec, P17, .22 caliber pistol, Serial Number G3C51, purchased by WILSON on or about October 12, 2020, from the Lilburn FFL, and seized by the NYPD on or about April 26, 2021;

tt. A Ruger, LCP, .380 pistol, Serial Number 3723681998, purchased by WILSON on or about October 12, 2020, from the Lilburn FFL;

uu. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C019055, purchased by WILSON on or about October 13, 2020, from the Lilburn FFL;

vv. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number 868611, purchased by WILSON on or about October 13, 2020, from the Lilburn FFL;

ww. A Keltec, P3AT, .380 pistol, Serial Number D5H68, purchased by WILSON on or about October 13, 2020, from the Lilburn FFL;

xx. A Keltec, P3AT, .380 firearm, Serial Number D5H47, purchased by WILSON on or about October 13, 2020, from the Lilburn FFL, and seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

yy. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C019857, purchased by WILSON on or about October 13, 2020, from the Lilburn FFL, and seized by the NYPD on or about June 16, 2021;

zz. A GSG, Firefly, .22 caliber pistol, Serial Number F452939, purchased by WILSON on or about October 15, 2020, from the Smyrna FFL;

aaa. A Rohm, RG10, .22 caliber revolver, Serial Number 1306647, purchased by WILSON on or about October 15, 2020, from the Smyrna FFL;

bbb. A Cobra, BBG9, .89 pistol, Serial Number CT231399, purchased by WILSON on or about October 15, 2020, from the Smyrna FFL;

ccc. A Cobra, BBG9, nine-millimeter pistol, Serial Number BT015453, purchased by WILSON on or about October 15, 2020, from the Smyrna FFL;

ddd. A Cobra, Denali, .380 pistol, Serial Number K26836, purchased by WILSON on or about October 26, 2020, from the Lilburn FFL, and seized by the Duncan Police Department in Duncan, South Carolina, on or about October 27, 2020;

eee. A Jimenez, J.A. T-380, .380 pistol, Serial Number 431278, purchased by WILSON on or about October 26, 2020, from the Lilburn FFL;

fff. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number 893910, purchased by WILSON on or about October 26, 2020, from the Lilburn FFL;

ggg. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number 920878, purchased by WILSON on or about October 26, 2020, from the Lilburn FFL;

hhh. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C031938, purchased by WILSON on or about October 26, 2020, from the Lilburn FFL;

iii. A GSG, Firefly, .22 caliber pistol, Serial Number F456008, purchased by WILSON on or about October 26, 2020, from the Smyrna FFL;

jjj. A SCCY IND, CPX-1, nine-millimeter pistol, Serial Number C030440, purchased by WILSON on or about October 26, 2020, from the Smyrna FFL, and seized by the NYPD on or about January 6, 2021;

kkk. A Ruger, LCP, .380 pistol, Serial Number 372-98955, purchased by WILSON on or about October 26, 2020, from the Smyrna FFL;

lll. A Smith & Wesson, M&P 40, .40 caliber pistol, Serial Number HWK3384, purchased by WILSON on or about October 26, 2020, from the Smyrna FFL;

mmm. A Ruger, LCP, .380 pistol, Serial Number 374-04787, purchased by WILSON on or about October 29, 2020, from the Smyrna FFL;

nnn. A Zastava, M88A, nine-millimeter pistol, Serial Number M88A03414, purchased by WILSON on or about October 29, 2020, from the Smyrna FFL;

ooo. A Talon, T200, nine-millimeter pistol, Serial Number OO286, purchased by WILSON on or about October 29, 2020, from the Smyrna FFL;

ppp. A Glock, Inc. 17, nine-millimeter pistol, Serial Number BRCV680, purchased by WILSON on or about November 5, 2020, from Gainesville FFL-2, and seized by the Bureau of Alcohol, Firearms, Tobacco, and Explosives ("ATF") on or about December 16, 2020;

qqq. A Ruger 57, 5.7 pistol, Serial Number 641-69441, purchased by WILSON on or about November 30, 2020, from the Smyrna FFL;

rrr. A Cobra, CL22LBR, .22 caliber pistol, Serial Number 123705, purchased by WILSON on or about December 1, 2020, from the Smyrna FFL;

sss. A Davis IND, D22, .22 caliber pistol, Serial Number 301987, purchased by WILSON on or about December 1, 2020, from the Smyrna FFL;

ttt. A Cobra, Derringer, .38 caliber pistol, Serial Number BT032289, purchased by WILSON on or about December 1, 2020, from the Smyrna FFL;

uuu. A Jimenez, JA380, .380 pistol, Serial Number 458611, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

vvv. A Jimenez, JA380, .380 pistol, Serial Number 458571, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

www. A Jimenez, JA380, .380 pistol, Serial Number 458613, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

xxx. A Jimenez, JA380, .380 pistol, Serial Number 45614, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

yyy. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C055788, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

zzz. A SCCY IND, CPX-2, nine-millimeter pistol, Serial Number C055746, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

aaaa. A Walther, PK380, .380 pistol, Serial Number WB148260, purchased by WILSON on or about December 2, 2020, from the Lilburn FFL;

bbbb. A Phoenix Arms Co., HP25A, .25 caliber pistol, Serial Number 4250780, purchased by WILSON on or about December 15, 2020, from the Smyrna FFL, and seized by the ATF on or about December 16, 2020;

cccc. A Glock 17, nine-millimeter pistol, Serial Number BSHK084, purchased by WILSON on or about March 2, 2021, from a third FFL in Gainesville, Georgia ("Gainesville FFL-3"), and seized by the ATF on or about April 21, 2021;

dddd. A Radical Firearms, RF-15, .223 pistol, Serial Number 20-063415, purchased by WILSON on or about April 9, 2021, from the Flowery Branch FFL, and seized by the ATF on or about April 21, 2021;

eeee. A Smith & Wesson, SD40VE, .40 caliber pistol, Serial Number FBX2833, purchased by WILSON;

ffff. A SCCY IND, CPX, nine-millimeter pistol, Serial Number C011464, purchased by WILSON;

gggg. A SCCY IND, CPX2, nine-millimeter pistol, Serial Number 951562, purchased by WILSON;

hhhh. A SCCY IND, CPX, nine-millimeter pistol, Serial Number 940750, purchased by WILSON;

iiii. A Taurus, TCP, .380 pistol, Serial Number 1D048654, purchased by WILSON;

jjjj. An AMT .380 caliber handgun, Serial Number G16020, seized during the arrest of Samuel Taj on or about August 4, 2021;

kkkk. One high-capacity Glock .40 caliber magazine, seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

llll. One high-capacity Glock nine-millimeter drum magazine, seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

mmmm. Four assorted S&W pistol magazines, seized by the City of Wellford Police Department in South Carolina, on or about November 22, 2020;

nnnn. 34 rounds of Sig Saur nine-millimeter Ammunition, seized from WILSON by the ATF on or about December 16, 2020;

oooo. One Glock magazine, seized from WILSON by the ATF on or about December 16, 2020;

pppp. One Glock 50 round drum magazine, seized from WILSON by the ATF on or about December 16, 2020;

qqqq. Two drum magazines, seized from WILSON by the ATF on or about April 21, 2021;

rrrr. Two nine-millimeter magazines, seized from WILSON by the ATF on or about April 21, 2021; and

ssss. One Taurus .380 revolver, serial number ACB490430, seized from 1700 Bedford Avenue Apartment 4K, Brooklyn, NY.